

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 Hugo Israel,
5 Plaintiff

6 v.

7 James Dzurenda, et al.,
8 Defendants

Case No.: 2:17-cv-01256-JAD-CWH

Order Dismissing Case

[ECF No. 1]

9 Pro se plaintiff Hugo Israel brings this civil-rights case under 42 U.S.C. § 1983 for events
10 that allegedly occurred during his incarceration at the High Desert State Prison.¹ But Israel's
11 mailing address on file with the court seems to be out of date, and mail has been returned as
12 undeliverable.² On April 9, 2018, Magistrate Judge Hoffman ordered Israel to update his
13 mailing address within 30 days and warned him that this case would be dismissed without
14 prejudice if he failed to do so.³ That court-ordered deadline expired more than a week ago, and
15 Israel still has not updated his address.

16 District courts have the inherent power to control their dockets and "[i]n the exercise of
17 that power, they may impose sanctions including, where appropriate . . . dismissal" of a case.⁴
18 A court may dismiss an action with prejudice based on a party's failure to prosecute an action,
19 failure to obey a court order, or failure to comply with local rules.⁵ In determining whether to

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21 ¹ ECF No. 1-1.

22 ² See, e.g., ECF No. 6.

23 ³ ECF No. 5.

24 ⁴ *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

25 ⁵ See *Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance with
26 local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for failure to
27 comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440–
28 41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring pro se plaintiffs to
keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir.
1987) (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421,
1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

1 dismiss an action for lack of prosecution, failure to obey a court order, or failure to comply with
2 local rules, the court must consider several factors: (1) the public's interest in expeditious
3 resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the
4 defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the
5 availability of less drastic alternatives.⁶

6 I find that the first two factors—the public's interest in expeditiously resolving the
7 litigation and the court's interest in managing the docket—weigh in favor of dismissing this case.
8 The risk-of-prejudice factor also weighs in favor of dismissal because a presumption of injury
9 arises from the occurrence of unreasonable delay in filing a pleading ordered by the court or
10 prosecuting an action.⁷ The fourth factor is greatly outweighed by the factors favoring
11 dismissal, and a court's warning to a party that his failure to obey the court's order will result in
12 dismissal satisfies the consideration-of-alternatives requirement.⁸ Israel was warned that his
13 case would be dismissed if he failed to update his mailing address by the court-ordered deadline.
14 So, Israel had adequate warning that his failure to update his address would result in this case's
15 dismissal.

16 Accordingly, IT IS HEREBY ORDERED that this action is **DISMISSED without**
17 **prejudice** based on Israel's failure to comply with this court's April 9, 2018, order.

18 IT IS FURTHER ORDERED that Israel's application to proceed *in forma pauperis* [ECF
19 **No. 1]** is **DENIED as moot**.

20 The **Clerk of Court** is directed to **ENTER JUDGMENT accordingly** and CLOSE
21 THIS CASE.

22 Dated: May 18, 2018

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24 
U.S. District Judge Jennifer A. Dorsey

25 ⁶ *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423–24; *Malone*, 833 F.2d at 130;
26 *Ferdik*, 963 F.2d at 1260–61; *Ghazali*, 46 F.3d at 53.

27 ⁷ See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

28 ⁸ *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132–33; *Henderson*, 779 F.2d at 1424.